IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 24496 of 2000

Between:

M. Gopal Rao, son of Venkata Rajeshwar Rao, aged 45 years, Occ. Conductor, E.No. 105171, R/o. Bagwanthwada, Mancherial, Adilabad District.

..... PETITIONER

AND

The A.P. State Road Transport Corpn; Mancherial, Adilabad District; rep. by its Depot Manager.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus declaring the action of the respondents in recovering an amount of Rs.33,350/- towards face value of the tickets lost on duty on 28-10-2000 at the rate of Rs.2000/- per month started from November,2000 onwards without giving any opportunity as arbitrary, unjust and in violation of Art.14, 16 & 21 of the Constitution of India and consequently direct the respondent to refund the recovered amount in the interest of justice.

Counsel for the Petitioner: MR.V.NARASIMHA GOUD

Counsel for the Respondent: Mrs. G. Jyothi Kiran, SC for APSRTC

The Court made the following :

ORAL ORDER:

The petitioner, who is working as conductor in the APSRTC Mancherial depot., questions the action of the respondent Corporation (APSRTC) in recovering an amount of Rs33,530/- towards the face value of the tickets lost on duty by the petitioner at the rate of Rs.2000/- p.m., from his salary without giving any opportunity to him as illegal and arbitrary.

It is the case of the petitioner that while he was performing the duty with vehicle No. AP 10Z-4073 on the route Hyderabad-Mancherial on 28-10-2000 he found the ticket tray along with ticket blocks worth Rs.33,530/- was lost. It is further stated that he also made a compliant about the missing of the ticket blocks to the police and the S.H.O., Afzalgunj registered a case in Crime No. 530 under Section 379 of the IPC. Basing on the said allegations, the respondent Corporation, on 17-11-2000, issued a charge sheet to the petitioner framing the following:

CHARGE;

> "For having lost the above said tickets blocks along with hand tray No.053 worth of Rs.33,530/- while performing duty with vehicle No.AP-10-Z-4073 on route Hyderabad – Mancherial on 28/10/2K which is a serious misconduct in terms of the Reg. No.28(v) of APSRTC, Employees (CONDUCT) Reg.1963."

The petitioner was asked to submit his explanation within seven days from the date of receipt of the aforesaid charge sheet. It is stated that accordingly the petitioner also filed his explanation on 29-10-2000. But, even before completion of the enquiry, the respondent-Corporation has started deducting the amount from the salary of the petitioner at Rs.2000/- per month towards recovery of the said value of the tickets. Questioning the said act of the respondent, this writ petition is filed.

The learned counsel appearing for the respondent-Corporation fairly submitted that it is true that an enquiry has been initiated by issuing the charge sheet dt. 17-11-2000 and the petitioner also filed his explanation to the said charge sheet on 19-12-2000 and the enquiry has not been completed.

Having regard to the facts and circumstances of the case, the respondent cannot fasten the liability based on the allegations in the charge sheet even before completion of the enquiry and hence the action of the respondent-Corporation, in recovering the said value of the tickets lost, is set aside.

The writ petition is accordingly allowed and the respondent-Corporation is directed to complete the enquiry and then only take appropriate action against the petitioner in accordance with law. No order as to costs.

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V. ESWARAIAH, J

Dt. 15-9-04

Kvrk

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Wednesday the Fifteenth day of September Two thousand and Four.

To

1. The Depot Manager,The A.P. State Road Transport Corpn; Mancherial, Adilabad District.

2. Two CD copies.

THE HON'BLE SRI JUSTICE V. ESWARAIAH

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WRIT PETITION No.24496 of 2000

DATED ; 13-09-2004